

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed January 26, 2007. Claims 1-13 and 34-37 remain withdrawn and claims 14-21 have been cancelled. Claims 22 and 33 have been amended and claims 22-33 remain pending in view of the amendments and the following remarks.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. The remarks or lack of remarks herein are not to be construed as an admission on the part of the Applicant regarding the Examiner's interpretation of the cited art or construction of the cited art. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Rejections Under 35 U.S.C. §102

The Office Action rejected claims 22-33 under 35 U.S.C. § 102(e)¹ as being anticipated by *Chieng* (United States Patent No. 6,862,302). Applicants respectfully note that a claim is anticipated under 35 U.S.C. § 102(e) only if *each and every element as set forth in the claim is found*, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *Manual of Patent Examining Procedure ("MPEP")* § 2131. Because *Chieng* does not teach or suggest each and every element of the rejected claims, Applicants respectfully traverse this rejection in view of the following remarks.

¹ Because *Chieng* is only citable under 35 U.S.C. § 102(e), Applicants do not admit that *Chieng* is in fact prior art to the claimed invention but reserve the right to swear behind *Chieng* if necessary to remove it as a reference.

Claim 22 has been amended to recite that the optical signal analyzer receives at least one optical test output signal. Claim 22 further recites that the optical signal analyzer transmits results of an analysis on the optical test output signal to the host system. The host system then uses the results to configure the optoelectronic transceivers including adjustment of one or more control parameters. In other words, the host system is configured to communicate with the optical signal analyzer and use results of the analysis performed by the optical signal analyzer to adjust control parameters. The specification notes, by way of example only, that the optical signal analyzer can test the optical test output signal for compliance with pre-programmed operating requirements such as jitter minimization. The results can be used by the host system to adjust the control parameters.

Chieng, however, does not appear to disclose the optical signal analyzer as recited in claim 1. Rather, *Chieng* discloses an oscilloscope. *Chieng* discloses that the oscilloscope can be observed while appropriate control values are written to various memory mapped locations until a desired optical output signal is observed. See TABLE 1, Step (1). However, there does not appear to be any teaching that the oscilloscope conducts any analysis, the results of which can be used by the host system to adjust control parameters. Rather, *Chieng* suggests that the control parameters are adjusted until the “desired optical output signal is observed on the optical oscilloscope.” See *Id.*

Further, claim 22 requires that the host system be in communication with the optical signal analyzer and that the optical signal analyzer transmit results of an analysis on the optical test output signal to the host system. The oscilloscope taught by *Chieng* is not in communication with the host system as required by claim 1 and does not transmit results of any analysis to the host system.

For at least these reasons, claim 22 is not anticipated by the cited art and Applicant respectfully submits that claim 2 is in condition for allowance. The dependent claims 23-32 overcome the cited art for at least the same reasons.

Claim 33 has similar limitations and is similarly not anticipated by the cited art. For example, claim 33 has been amended to clarify that “the host system adjusts the first control parameter based on results of an analysis on a test optical signal received from an optical signal analyzer.” As discussed above, the oscilloscope taught by

Chieng does not transmit results to the host system. Thus, the host system of *Chieng* does not adjust the first control parameter based on results of an analysis on a test optical signal received from an optical signal analyzer.

For at least these reasons, Applicant respectfully submits that claim 33 is not anticipated by the cited art and is in condition for allowance.

Conclusion

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 26th day of July, 2007.

Respectfully submitted,

/Carl T. Reed/ Reg. #45454
CARL T. REED

CARL T. REED
Registration No. 45,454
Attorney for Applicant
Customer No. 022913
Telephone: (801) 533-9800